

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REBECA MARTINEZ,

Plaintiff,

-v-

MID ATLANTIC FISH MARKET,

Defendant.
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22 Civ. 7068 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court is in receipt of Plaintiff’s motion to approve the parties’ Settlement Agreement under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Dkt. 19. The parties are hereby ordered to appear telephonically before the Court on February 22, 2023 at 3:00 p.m. for a conference to address two questions concerning the Settlement Agreement: first, why the release of claims in article 3 of the Agreement is drafted to encompass “any other claim . . . that could have been brought[] relating to or arising from [Plaintiff’s] work performed for Defendants,” even were that claim not for underpayment of wages, *see id.* at 10, and second, why the parties have executed a confession of judgment, particularly given that the amount confessed exceeds the amount owed to Plaintiff under the terms of the Settlement Agreement, *compare id.* at 14-15 *with id.* at 8. At the appointed time, counsel for all parties should call (866) 434-5269, access code 9176261. Alternatively, the parties may submit for approval a revised Settlement Agreement that does not raise the questions set forth in this Order. Any such revised Agreement should further correct the discrepancies, currently present in article 1 of the Settlement Agreement, between the verbal descriptions of the amounts Defendant shall pay and the numerical values that immediately follow those descriptions in parentheses. *See id.* at 8-9.

SO ORDERED.

Dated: January 24, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge